

What is claimed is:

1(currently amended). Writing instrument comprising:
a substantially sleeve-shaped shaft (20), a main axis (100), a terminal part (50, 35, 20b) at a rear end **portion** of said shaft, and a substantially conical tip device (10) at a front end portion of said shaft (20), **wherein said tip device (10) is variably inclinable to an inclination by at least one of** ~~characterized in that one of - said~~ **said** tip device (10) being adapted to be controlled (40,43,9) so as to be pivotably inclinable in a **pivot** plane comprising said main axis (100) and relative to said sleeve-shaped shaft (20); ~~and - an~~ **, and, an** inclination angle (α) of a cone axis (101) of said tip device (10) being adjustable (40, 43, 9) in relation to said main axis (100); **and,**
wherein a leaf shaped spring (17) is provided at a backwards facing end portion of said tip device (10), said spring extending into an inside of said shaft (20), for contacting an inner wall of said shaft and for effecting a resetting force upon an increase of said inclination angle of said tip device (10) or a return force, increasing when said control increases the pivot action of the tip device.

2(currently amended). Writing instrument according to claim 1, **wherein** said inclination (α) of the tip **device is** being changed from the terminal part (50, 35, 20b), providing a longitudinal movement of one of an ink device and a refilling device (40) received in said shaft, said movement being effected in a longitudinal direction (x) and relative to a bearing (23; 13; 14; L) structure between said tip **device** (10) and said shaft (20).

3(currently amended). Writing instrument according to claim 1, **further comprising** ~~wherein~~ a refilling device (40) **for containing ink** ~~as ink barrel~~, comprising an elastically flexible portion (42) at a front end thereof, said portion changing at least one of **a** its deflection and **a** its bending stress **thereof**, upon changing **of** said inclination angle (α).

4(currently amended). Writing instrument according to claim 3, wherein, at its front end, said elastically flexible portion (42) is adapted as a writing tip (41, 30), said writing tip protruding through a front end opening (29) of said tip device (10) to make use of said bending stress of said elastically flexible portion for effecting a returning force on said tip device (10) having said adjustable inclination angle.

5(currently amended). Writing instrument according to claim 1, wherein said tip device (10) is pivotably received at a bearing portion (13,14; 23; L) at said shaft (20), ~~particularly said bearing portion (L) being located outside of said main axis (100) or only one single bearing portion (13,14) being provided in the area of a sleeve wall of said shaft (20), said bearing portion also constituting a pivoting axis for varying the inclination angle of said tip.~~

6(now canceled). Writing instrument according to claim 1, wherein said shaft (20) is divided at a dividing position (25,26,27) and adapted to allow a distance (x1,x2;y1,y2) of two shaft parts (20',20'') to be varied, wherein one of

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(a) ~~at least one thread element is provided for connecting said two shaft parts (20a,33) variably with respect to their distance from each other; and~~

(b) ~~an adjusting sleeve (63) is provided, for connecting two shaft parts (64'64'') variably with respect to their distance from each other, said connection being non rotatable, but movable in a longitudinal direction (21,22).~~

7 (now canceled). Writing instrument according to claim 1, wherein guiding means (21,22) are provided, said guiding means extending in a parallel direction with respect to said pivoting direction and being located at the front end of said shaft (20), at a distance from said main axis (100) and on both sides thereof, for guiding one of said controlled pivoting movement and said adjustment of the inclination angle (α) of said tip (10), said tip preferably being flattened (11) in an area of said guiding means (21,22) for blocking a lateral tilting in a transverse direction with respect to said plane comprising said main axis (100).

8(currently amended). Writing instrument according to claim 5, wherein a coupling portion (9; 9a, 9b) is provided at an end portion of said tip device (10), said coupling portion being offset in relation to said bearing portion (13,14; 23; L) in said plane comprising said main axis.

9(now canceled). ~~Writing instrument according to claim 1, wherein a leaf shaped spring (17) is provided at a backwards facing end portion of said tip (10), said spring extending into an inside of said shaft (20), for contacting an inner wall of said shaft and for effecting resetting forces upon an increase of inclination of said tip (10).~~

10(currently amended). Writing instrument according to claim 1, wherein, on its edge, said tip device (10) comprises limiting means (12), for limiting maximum inclination portions by contacting protrusions (21a,22a) located at the inside of said shaft, particularly such protrusions which are provided directly (integrally) with guiding means (21,22) for laterally guiding said conical tip device (10).

11(currently amended). Writing instrument according to claim 1, wherein said tip device (10) is received (23,13; L) at an the inside and at a the front end of said shaft, said tip device (10) being particularly adapted to be inserted into said shaft (20) from a the rear end portion thereof.

12(currently amended). Writing instrument according to claim 1, wherein said tip device (10) has an elongated extension, the length of said tip being larger than a diameter at the rear end of said tip.

13(currently amended). Writing instrument according to claim 1, wherein said tip device (10) has a conical shape and is at least partly adapted to be symmetrical with respect to a cone axis (101).

14(now canceled). ~~Writing instrument according to claim 1, wherein said terminal part (50) of said shaft is one of rotatably received (50a,51) in said shaft end,~~

~~particularly in a thread element having an inclination angle, and provided with an inclined surface at its front end, for one of controlling and adjusting a longitudinal movement (x) of said refilling device (40).~~

15(now canceled). ~~Writing instrument according to the introductory part of claim 1, characterized in that said tip device (10) is of an elongated shape and has a cone axis (101), said cone axis being variable in its angle (α) relative to said main axis (100) of the writing instrument.~~

16(currently amended). Writing instrument according to claim 1, wherein said tip device (10) comprises a rear end portion (9; 9a,9b) cooperating with a shoulder portion (43, 66b) of a refilling device (40), for providing a contour control for **changing** the ~~change of~~ inclination **angle** of said tip device.

B1 17(currently amended). Writing instrument according to claim 1, wherein a contour control means (9) is provided at said tip device, said **contour** control means comprising at least one web segment, comprising two web portions (9a, 9b) extending to form an angle (β) of less than 180° , for controlling the inclination **angle** of said tip device.

18(currently amended). Writing instrument according to claim ~~31~~**44**, wherein said terminal part (50) of the shaft is rotatably received in said shaft (20), **and wherein rotation of the terminal part is restricted by one of tightness and provision of** ~~particularly being one of hardly turnable and provided with circumferential lock-in positions (52).~~

19(currently amended). Writing instrument according to claim 17, wherein a kink angle (β) of said web portions (9a, 9b) substantially corresponds to a maximum inclination angle (α_{\max}) of said tip device (10) relative to said main axis (100), ~~of the writing utensil or the shaft (20).~~

20(currently amended). Writing instrument according to claim 1, wherein said tip device is provided with at least one coupling means (9; 9a, 9b) at a its backwards facing end portion, a shoulder (43, 66d) of a said refilling device (40, 65) being coupled to said coupling means, for applying forces on said tip device (10), said forces controlling the inclination angle (α) of said tip device.

21(currently amended). Writing instrument according to claim 1, 6, wherein an axial axially extending refilling device (40, 65) is provided, and wherein a first elastic force acts on said refilling device by an axially acting spring means (41a, 41b), for axially pretensioning said refilling device one of towards said tip device (10) and away from said tip device (10).

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22(currently amended). Writing instrument according to claim 30, 6, wherein ~~one of~~ said dividing position (25, 26) is being located at one of a position closer close to said terminating part (35) of said shaft and ~~said dividing a position (25) being located~~ close closer to said tip device (10).

23(currently amended). Writing instrument according to claim 1, wherein a length of one of said shaft (20;20';20") and said writing instrument (10,20,35,33) varies with variation of ~~is varied with~~ said inclination angle (α) of said tip device (10).

24(currently amended). Writing instrument according to claim 1, comprising a refilling device (65) ~~being~~ tensioned by a compression spring (41b) such that said refilling device is urged against said tip device (10), said compression spring being dimensioned such that it receives writing forces without substantially changing a the position of said refilling device (65), but effects a smaller torque on the tip device (10) than a returning force of a further elastic means (42, 17) said elastic means being also coupled to said tip device (10) to allow the tip device ~~it~~ to be pivoted back into a straight position with respect to said main axis (100).

25(currently amended). Writing instrument according to claim 1, comprising a refilling device (40) ~~being~~ elastically tensioned by a ~~pressure~~ spring (41a) in relation to said tip device (10), and wherein a second elastic force is being applied ~~such on to on~~ said tip device (10) and ~~dimensioned such that~~ at least sufficient to compensate for a torque applied by said ~~compression~~ spring (41a) ~~is at least compensated~~.

26(currently amended). Writing instrument according to claim 1, comprising a means (43, 9, 63, 50) for controlling and adjusting said inclination angle (α) of said tip device, and independently thereof, a further means for ~~permitting an opening of~~ said writing instrument whereby a ~~to exchange said~~ refilling device can be inserted or exchanged.

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27(currently amended). Writing instrument according to claim 1, comprising a control means (20c) associated with said shaft (20) and coupled connected to said tip device (10), ~~particularly employing a leaf spring (17), for~~ one of adjusting and directly controlling the inclination angle of said tip device, ~~said control being associated with said shaft (20).~~

[The following new claims 28-35 are inserted: -]

28(new claim). Writing instrument comprising:
a substantially sleeve-shaped shaft (20), a main axis (100), a terminal part (50, 35, 20b) at a rear end portion of said shaft, and a substantially conical tip device (10) at a front end portion of said shaft (20), wherein said tip device (10) is variably inclinable by at least one of said tip device (10) being adapted to be controlled (40,43,9) so as to be pivotably inclinable in a pivot plane comprising said main axis (100) and relative to said sleeve-shaped shaft (20), and, an inclination angle (α) of a cone axis (101) of said tip device (10) being adjustable (40, 43, 9) in relation to said main axis (100);
wherein guiding means are provided, said guiding means extending in a direction parallel to said pivot plane and being located at the front end of said shaft (20), at a

distance from said main axis (100) and on both sides thereof, for guiding one of said controlled pivotable inclination, and said adjustment of the inclination angle (α) of said tip device (10).

29(new claim). Writing instrument according to claim 28, wherein said tip device (10) is flattened (11) opposite to each of said guiding means (21,22) for blocking a lateral tilting in a direction transverse to said pivot plane comprising said main axis (100)

30(new claim). Writing instrument comprising:
a substantially sleeve-shaped shaft (20), a main axis (100), a terminal part (50, 35, 20b) at a rear end portion of said shaft, and a substantially conical tip device (10) at a front end portion of said shaft (20), wherein said tip device (10) is variably inclinable by at least one of said tip device (10) being adapted to be controlled (40,43,9) so as to be pivotably inclinable in a pivot plane comprising said main axis (100) and relative to said sleeve-shaped shaft (20), and, an inclination angle (α) of a cone axis (101) of said tip device (10) being adjustable (40, 43, 9) in relation to said main axis (100);

wherein said shaft (20) is divided at a dividing position (25, 26, 27), determining lengths of two shaft parts (20', 20''), and wherein one of:

(a) at least one threaded part is provided for connecting said two shaft parts variably with respect to a distance (x_1 , y_1 , 25, 27) from each other, and,

(b) an adjusting sleeve (63) is provided, for coupling two shaft parts (64', 64'') variably with respect to their distance from each other, forming a coupling that is non rotatable, but movable in a longitudinal direction (21,22).

31(new claim). Writing instrument comprising:
a substantially sleeve-shaped shaft (20), a main axis (100), a terminal part (50, 35, 20b) at a rear end portion of said shaft, and a substantially conical tip device (10) at a front end portion of said shaft (20), wherein said tip device (10) is variably inclinable by at least one of said tip device (10) being adapted to be controlled (40,43,9) so as to

be pivotably inclinable in a pivot plane comprising said main axis (100) and relative to said sleeve-shaped shaft (20), and, an inclination angle (α) of a cone axis (101) of said tip device (10) being adjustable (40, 43, 9) in relation to said main axis (100);

wherein the terminal part (50) is rotatably received (50a, 51) in said shaft end portion for one of controlling and adjusting a longitudinal movement (x) of a refilling device (40), inserted into the shaft and reaching through the tip device (10).

32(new claim). Writing instrument according to claim 31, wherein the terminal part is received by means of a thread element having an inclination angle.

33(new claim). Writing instrument according to claim 31, wherein the terminal part (50) has an inclined surface at a front portion thereof.

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34(new claim). Writing instrument comprising:
a substantially sleeve-shaped shaft (20), a main axis (100), a terminal part (50, 35, 20b) at a rear end portion of said shaft, and a substantially conical tip device (10) at a front end portion of said shaft (20), wherein said tip device (10) is variably inclinable by at least one of said tip device (10) being adapted to be controlled (40,43,9) so as to be pivotably inclinable in a pivot plane comprising said main axis (100) and relative to said sleeve-shaped shaft (20), and, an inclination angle (α) of a cone axis (101) of said tip device (10) being adjustable (40, 43, 9) in relation to said main axis (100).

35(new claim). Writing instrument according to claim 5, wherein said bearing portion (L) is located outside of said main axis (100) or only one single bearing portion (13, 14) is associated to a sleeve wall of said shaft (20), said bearing portion also constituting a pivoting axis for varying the inclination angle of said tip device.